

REMARKS

Reconsideration and allowance are respectfully requested.

Claims 1-8 and 11-30 are pending. The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. The limitations of claims 9-10 are incorporated in the independent claim.

The Examiner invited submission of EP 0715864 and EP 0947213. In response, copies of the listed documents are submitted herewith. Since both are in German, the related U.S. patents in English are also listed on the attached PTO/SB/08a to assist the Examiner in considering the foreign patent documents. Their relevance is described in the Int'l Search Report already submitted. In lieu of certification, the required fee to consider an information disclosure statement is attached.

The Examiner objected to the specification and claims. Applicant's claims recite closing, retaining, stopping, sealing, valved, disinfecting, coupling and visual means. They are all described in the specification and drawings of the present application. The structures are explicitly described by use of the term "means" in the specification. They are also illustrated in the drawings. Therefore, Applicant submits that no correction is required. Withdrawal of the objections to the specification and claims is requested.

35 U.S.C. 102 – Novelty

A claim is anticipated only if each and every limitation as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of Calif.*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is claimed. See *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1-16, 18-20, 25-26 and 28 were rejected under Section 102(b) as allegedly anticipated by Littmann (US 3,157,201). Applicant traverses because the cited document does not disclose all limitations of the present claim 1.

In Applicant's claimed invention, the tubular element to be engaged with its respective closing means is easily operated by actuating a sleeve in opposition to an

inner spring. See original claim 9. This arrangement of elements is not disclosed in Fig. 5 of Littman, contrary to the allegations made in the Office Action.

In Littman's connector device, two sleeve-like projecting connection rods are shown in Fig. 5. Both comprise an internal shutter engaged with a spring (see 103 and 105). But as clearly explained in Littman's specification (see column 6, lines 6-9 and 13-14), both are arranged as one-way valves and the shutter is not intended to fit into the end of a tubular member. Therefore, all limitations of claim 9 (now incorporated in claim 1) are not disclosed by Littman.

Claims 1-3, 7-9, 11-20, 25-26 and 28 were rejected under Section 102(b) as allegedly anticipated by Fuson et al. (US 3,957,082). Applicant traverses because the limitation of claim 10 is incorporated in the independent claim.

Withdrawal of the Section 102 rejections is requested because the cited documents fail to disclose all limitations of the claimed invention.

35 U.S.C. 103 – Nonobviousness

A claimed invention is unpatentable if the differences between it and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. *In re Kahn*, 78 USPQ2d 1329, 1334 (Fed. Cir. 2006) citing *Graham v. John Deere*, 148 USPQ 459 (1966). The *Graham* analysis needs to be made explicitly. *KSR v. Teleflex*, 82 USPQ2d 1385, 1396 (2007). It requires findings of fact and a rational basis for combining the prior art disclosures to produce the claimed invention. See id. (“Often, it will be necessary for a court to look to interrelated teachings of multiple patents . . . and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue”). The use of hindsight reasoning is impermissible. See id. at 1397 (“A factfinder should be aware, of course, of the distortion caused by hindsight bias and must be cautious of arguments reliant upon ex post reasoning”). Thus, a *prima facie* case under Section 103(a) requires “some rationale, articulation, or reasoned basis to explain why the conclusion of obviousness is correct.” *Kahn* at 1335; see *KSR* at 1396.

A claim that is directed to a combination of prior art elements “is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art.” Id. Finally, a determination of *prima facie* obviousness requires a reasonable expectation of success. See *In re Rinehart*, 189 USPQ 143, 148 (C.C.P.A. 1976).

Claims 21-24 were rejected under Section 103(a) as allegedly unpatentable over Littman or Fuson in view of Folden (US 5,336,173). Applicant traverses.

Littman and Fuson are discussed above in arguments against the Section 102 rejections. Their failure to disclose the claimed invention is not remedied by the attempt to combine their disclosures with Folden. Thus, the claimed invention, which includes all limitations of the present claim 1, is not obvious over the combination of Littman or Fuson in view of Folden.

Claim 27 was rejected under Section 103(a) as allegedly unpatentable over Littman or Fuson in view of Suzuki et al. (US 2004/0031756). Applicant traverses.

Littman and Fuson are discussed above in arguments against the Section 102 rejections. Their failure to disclose the claimed invention is not remedied by the attempt to combine their disclosures with Suzuki. Thus, the claimed invention, which includes all limitations of the present claim 1, is not obvious over the combination of Littman or Fuson in view of Suzuki.

Withdrawal of the Section 103 rejections is requested because the claims would not have been obvious to one of ordinary skill in the art when this invention was made.

Having fully responded to the pending Office Action, Applicant submits that the claims are in condition for allowance and earnestly solicit an early Notice to that effect.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /Gary R. Tanigawa/

Gary R. Tanigawa
Reg. No. 43,180

901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100